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14  
15 **UNITED STATES BANKRUPTCY COURT**  
16 **FOR THE DISTRICT OF NEVADA**

17 In re:

18 MARC JOHN RANDAZZA,

19 Debtor.

20 Case No.: BK-S-15-14956-abl  
21 Chapter 11

22 MARC JOHN RANDAZZA, an individual,

23 Plaintiff,

24 v.

25 CRYSTAL L. COX, an individual,

26 Defendant.

27 **COMPLAINT**

28 Plaintiff, Marc John Randazza, as debtor and debtor in possession ("Mr. Randazza"), by  
29 and through his attorneys, the law firm of Larson & Zirzow, LLC, hereby respectfully complains,  
30 objects, and alleges against Defendant, Crystal L. Cox, an individual ("Ms. Cox") as follows:

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## **JURISDICTION AND VENUE**

1. The Court has subject matter jurisdiction to consider and determine this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334, and Rule 1001(b)(1) of the Local Rules of Bankruptcy Practice for the United States District Court for the District of Nevada.

2. The basis for relief herein are 11 U.S.C. §§ 502(b)(1) and 523, and Rules 3007, 4007(a) and (c), and 7001(1), (4), (6) and (9) of the Federal Rules of Bankruptcy Procedure.

3. This adversary proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A)-(C), and (I).

4. Pursuant to Local Rule 7008.1, Mr. Randazza consents to the entry of final orders and judgments by the bankruptcy judge in this matter.

5. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408(1) and 1409(a).

## **THE PARTIES**

6. Plaintiff, Mr. Randazza, is an individual residing in Las Vegas, Clark County, Nevada. On August 28, 2015 (the “Petition Date”), Mr. Randazza filed his voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Nevada thereby commencing his bankruptcy case (the “Chapter 11 Case”).

7. Mr. Randazza is authorized to operate his businesses and manage his property as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No official committees have been appointed in the Chapter 11 Case.

8. Mr. Randazza is the manager of Randazza Legal Group and an attorney licensed to practice law in Arizona, California, Florida, Massachusetts, and Nevada. He focuses his legal practice on litigating First Amendment, trademark and copyright infringement, defamation, free speech, intellectual property and similar litigation.

9. Mr. Randazza also has experience in a variety of similar transactional responsibilities including providing advice to clients on First Amendment, copyright, trademark, domain name law, internet law, and entertainment law, including the negotiation and drafting of various associated agreements.

10. Mr. Randazza has also taught courses at the law school level regarding the foregoing topics, having published numerous law review, bar journal, and other articles regarding those topics, and having numerous speaking engagements regarding those topics.

11. Mr. Randazza is also the editor of The Legal Satyricon, which is well-known blog on law, liberty, technology and politics, which has recently been rated in the Top 100 Legal Blogs by the American Bar Association (the “ABA”).

12. Defendant, Ms. Cox, is an individual residing in the State of Washington who has a mailing address of P.O. Box 2027, Port Townsend, Washington 98368, and who may be served via e-mail at [savvybroker@yahoo.com](mailto:savvybroker@yahoo.com).

## **GENERAL ALLEGATIONS**

**A. Ms. Cox's Well Documented History as an Extortionist.**

13. In Obsidian Finance Group LLC v. Cox, No. cv-11-57-HZ (D. Or.) (the “Obsidian Case”), Ms. Cox was a defendant in a defamation lawsuit brought by Obsidian Finance Group (“Obsidian”) and Kevin Padrick (“Mr. Padrick”), Obsidian’s principal, in connection with a publication by her that Mr. Padrick committed tax fraud in the course of his service as a bankruptcy trustee.

14. After obsessively posting defamatory information about these targets online attacking them relentlessly, Ms. Cox then sought a financial advantage from them in exchange for cleaning up the very reputational damage she caused by offering to cease her attacks and to remediate the harm as long as the target hired her to do so.

15. On November 30, 2011, a jury returned a \$2.5 million verdict against Ms. Cox in the Obsidian Case for defamation, which verdict received substantial nationwide media coverage as illustrated by the articles referenced hereinafter.

16. On December 7, 2011, Forbes journalist Kashmir Hill wrote the article “Why an Investment Firm was Awarded \$2.5 Million After Being Defamed by Blogger” describing the Obsidian Case, which involved allegations of fraud made by Ms. Cox against Obsidian on her blog and questions as to whether she enjoyed certain legal protections as journalists.

17. Forbes also noted an unusual tactic, which Ms. Hill described in a subsequent article

1 for Forbes on April 2, 2012, “Ugly New Reputation-Smeering Tactic: Going After a Toddler’s  
 2 Internet Footprint.” This article was principally about Ms. Cox attacking Mr. Randazza’s then  
 3 three-year-old daughter, N.R. in her extortion scheme, after attacks on Mr. Randazza personally,  
 4 and then his wife, failed to result in the desired payments to Ms. Cox.

5 18. As was reported in Forbes, “[a]fter Obsidian sued Cox, she contacted them offering  
 6 her ‘reputation services;’ for \$2,500 a month she could ‘fix’ the firm’s reputation and help promote  
 7 its business. (In some circles we call that ‘extortion’).”

8 19. On December 8, 2011, Mark Bennett wrote the article “The Sky is Definitely Not  
 9 Falling,” observing that “[a] non-journalist like Cox is not allowed to defame a person. But – and  
 10 this is crucial to an understanding of this case – a journalist is *also* not allowed to defame a person.”

11 20. On December 10, 2011, New York Times journalist David Carr wrote “When Truth  
 12 Survives Free Speech,” noting “[w]hen [Cox] gets in a fight with someone, she frequently responds  
 13 by creating a domain with that person’s name, some allegation of corruption, or both [and] an  
 14 unsuitable offer to holster her gun in exchange for a payoff.”

15 21. On March 29, 2012, Forbes journalist David Coursey wrote the article “Are  
 16 Bloggers Really Journalists? Not if they Ask for Money,” commenting on the extortionate  
 17 “reputation services” offered by Ms. Cox.

18 22. On July 5, 2013, the State of Montana Board of Realty Regulation (the “Montana  
 19 Realty Board”) also found that Ms. Cox had engaged in extortionate behavior, thereby violating  
 20 multiple rules of professional and ethical conduct.

21 23. The Montana Realty Board found that Ms. Cox violated the confidences of a client,  
 22 Martin Cain, by registering the domain name <martincain.com> and using it to post various false  
 23 statements about him, including an accusation that Mr. Cain hired a hit man to kill Ms. Cox. The

24 24. The Montana Realty Board found that Ms. Cox contacted Mr. Cain and offered him  
 25 the <martincain.com> website for \$500,000.

26 25. Subsequently, in its decision in Ms. Cox’s appeal in the Obsidian case, the Ninth  
 27 Circuit observed that “[Ms.] Cox apparently has a history of making similar allegations and  
 28 seeking payoffs in exchange for retraction.” Obsidian Fin. Group, LLC v. Cox, 740 F.3d 1284,

1 1287 (9th Cir. 2014).

2 **B. Ms. Cox's Extortionate Conduct Against Mr. Randazza.**

3 26. In December 2011, Michael Spreadbury ("Mr. Spreadbury") approached Mr.  
4 Randazza, an attorney, asking him to consider representing Ms. Cox.

5 27. On December 10, 2011, Mr. Randazza participated in a non-privileged conference  
6 call with Ms. Cox and Mr. Spreadbury, regarding potentially representing her in an appeal in the  
7 Obsidian Case, advising her that he would look into the case. Mr. Randazza thereafter advised  
8 Ms. Cox that he would speak with Obsidian's counsel to make such determination.

9 28. On December 10 and 12, 2011, Mr. Randazza spoke with Obsidian's counsel to  
10 gather information about the case in order to determine whether to pursue an appeal, but ensured  
11 that it was for exploratory purposes only and clearly communicated that he was not acting on  
12 behalf of or otherwise representing Ms. Cox.

13 29. On December 14, 2011, Mr. Randazza offered to represent Ms. Cox. On December  
14 16, 2011, Ms. Cox declined the offer of representation, and specifically and unequivocally stated  
15 that "Marc Randazza does NOT represent me in ANY way."

16 30. Ms. Cox apparently decided that Mr. Randazza would be a good target for her  
17 extortion scheme. Shortly after informing Mr. Randazza that she retained other counsel for her  
18 appeal in the Obsidian Case, she also informed him that she had registered <marcrandazza.com>  
19 and offered her same "reputation management" services to him that she had offered to Obsidian if  
20 they paid her.

21 31. The implication of Ms. Cox's communication, especially in the context of her well-  
22 documented behavior up until that date, was clear -- pay me or you get to meet the same fate as  
23 Mr. Padrick and Obsidian -- the plaintiffs in the Obsidian Case.

24 32. Mr. Randazza declined to submit to Ms. Cox's extortionate demand. On March 12,  
25 2012, Ms. Cox sought to increase the extortionate pressure by attacking Mr. Randazza's wife by  
26 registering <jenniferrandazza.com>.

27 33. When that did not have the desired effect, Ms. Cox went after Mr. Randazza's then  
28 three-year-old daughter, N.R., with a domain using her name.

1           34. Ms. Cox's tactic of going after Mr. Randazza's minor daughter was also reported  
 2 in an article by Kashmir Hill entitled "Ugly New Reputation-Smeering Tactic: Going After a  
 3 Toddler's Internet Footprint," which was printed in Forbes on April 2, 2012.

4           35. Ms. Cox admitted, in a video response to the April 2, 2012 Forbes article, that she  
 5 purchased the domain names to allegedly "stop [Mr. Randazza] from conspiring with the other  
 6 side [Obsidian]" to keep him from testifying against her at a deposition to be taken by Obsidian.  
 7 Specifically, she stated:

8           I did this and it worked. Okay. It was March 23 is when Marc  
 9 Randazza was scheduled for his deposition in Portland, Oregon. ...  
 10 I got all these domain names, including his wife and his daughter,  
 11 and I never publicized the daughter one, in order to saturate the  
 12 search with my story as fast as I could. And guess what? It worked.  
 13 He didn't give that deposition on March 23. He backed down in  
 14 coming for me because of what I did. And part of that was all of  
 15 these names .... I think I'll go without coffee or food or something  
 16 at least one day a week so I can buy another dot com with Marc  
 17 Randazza's name in it ....

18           36. On March 30, 2012, Mr. Randazza wrote on his law blog, The Legal Satyricon  
 19 "Judge Rules Again that Blogger Crystal Cox is Not a Journalist. You Know Why? Because She  
 20 isn't a Journalist," describing the outcome of the Obsidian Case, her registration of  
 21 <marcrandazza.com> and domains named for his family, and her extortionate behavior.

22           37. In the ensuing months, at least seven additional articles from noted legal blogs also  
 23 commented on Ms. Cox's extortionate conduct toward Mr. Randazza, including but not limited to  
 24 the following:

25           (a) On December 9, 2011, Carlos Miller, "Blogger Must Act Like Journalist To  
 26 Be Treated Like One," Photography Is Not A Crime (available at  
 27 <https://photographyisnotacrime.com/2011/12/blogger-must-act-like-journalist-to-be-treated-like-one/>).

28           (b) On March 30, 2012, Jordan Rushie, "Crystal Cox - Investigative Blogger?  
 29 No More Like A Scammer and Extortionist," Philly Law Blog (available at  
 30 <http://phillylawblog.wordpress.com/2012/03/30/crystal-cox-investigative-blogger-no-more-like-a-scammer-and-extortionist/>).

1 more-like-a-scammer-and-extortionist/).

2 (c) On March 30, 2012, Scott Greenfield, “A Blogger Not Like Us,” Simple  
3 Justice (available at <http://blog.simplejustice.us/2012/03/30/a-blogger-not-like-us->  
4 update/).

5 (d) On January 19, 2014, Ken White, “Protecting the Free Speech of Censors:  
6 The Crystal Cox Saga,” Popehat (available at  
7 <http://www.popehat.com/2014/01/19/protecting-the-free-speech-of-censors-the-crystal->  
8 cox-saga/).

9 (e) On April 2, 2012, Eric Turkewitz, “Blawg Review is Back! (With some  
10 incredible, but true, stories),” The New York Personal Injury Law Blog (available at  
11 <http://www.newyorkpersonalinjuryattorneyblog.com/2012/04/blawg-review-is-back->  
12 with-a-couple-incredible-stories.html).

13 (f) March 31, 2012, Mark Bennett, “Crystal Cox,” Defending People (available  
14 at <http://blog.bennettandbennett.com/2012/03/crystal-cox.html>).

15 (g) In April 2012, Janine Robben, “The Poster Child: How Oregon’s Blogging  
16 Defamation Case Attracted National Attention,” Oregon State Bar Bulletin (available at  
17 <http://www.osbar.org/publications/bulletin/12apr/posterchild.html>).

18 38. On September 19, 2012, Ms. Cox offered to sell the Plaintiff’s domain name by a  
19 blog posted thereon for \$5,000,000 with the title of her post taunting “Here Kitty Kitty...”

20 39. On November 19, 2012, Ms. Cox threatened that her campaign of harassment  
21 would expand to Mr. Randazza’s sister.

22 40. On March 30, 2012, Mr. Randazza wrote on his law blog, The Legal Satyricon  
23 “Judge Rules Again that Blogger Crystal Cox is Not a Journalist. You Know Why? Because She  
24 isn’t a Journalist,” describing the outcome of the Obsidian Case, her registration of  
25 <marcrandazza.com> and domains named for his family, and her extortionate behavior.

26 41. To date, Ms. Cox has obsessively registered dozens of domain names containing  
27 the Randazza family’s names or surnames in an effort to extort and harass them and capitalize  
28 upon and damage the goodwill that Mr. Randazza has in his name.

1           42. Ms. Cox registered more than thirty infringing domain names (collectively, the  
 2        “Infringing Domain Names”), some of which were listed under a proxy, Eliot Bernstein (“Mr.  
 3        Bernstein”).

4           43. Ms. Cox registered the Infringing Domain Names with the intent to capitalize on  
 5        the use of Mr. Randazza’s personal name, extort money from the Randazzas, and engage in witness  
 6        intimidation. In fact, the profit in Ms. Cox’s endeavor flows directly from her extortion scheme.

7           44. If Ms. Cox’s targets refuse her extortion, she continues her campaign to ruin their  
 8        reputations online, not only by posting defamatory rants about them, but by then repeating the  
 9        defamatory rants on site after site, often on domain names that wholly include their legal names or  
 10       trademarks, and interlinking all of her many sites in order to artificially inflate the Google rankings  
 11       on each site. Ms. Cox claims to be “very good” at getting her websites to appear at the top of  
 12       search results.

13           45. Ms. Cox admits that she originally registered the Infringing Domain Names in an  
 14        attempt to harass and extort Mr. Randazza. Specifically, Ms. Cox said she hoped to intimidate Mr.  
 15       Randazza to keep him from testifying in the matter of Obsidian Case.

16           46. In addition, Ms. Cox has asked Mr. Randazza to pay her to maintain his online  
 17        reputation, which she herself has sought to destroy through search engine optimization and link  
 18        spamming techniques.

19           C.     The WIPO Case.

20           47. On July 27, 2012, Mr. Randazza filed a dispute with the World Intellectual Property  
 21        Organization (“WIPO”) to recover several domain names, which he was awarded on November  
 22        30, 2012. These domains are not the subject of the injunction in the 2040 Case (as hereinafter  
 23        defined), as they were awarded to Mr. Randazza in the WIPO case, and Ms. Cox failed to file an  
 24        action within the requisite period to appeal the WIPO decision. In its decision dated November  
 25        30, 2012, the WIPO observed the following:

26           Furthermore, the Respondent’s [Ms. Cox’s] actions in registering  
 27        and using the disputed domain names may appear, at a first glance,  
 28        to simply be a vehicle through which she provides advertising  
           through pay-per-click sites, but on slightly closer examination are

1                   actually components of an artifice intended to extort funds from the  
 2 Complainant and thus a pretext for a rather egregious variant of  
 3 cybersquatting. As such, none of those actions can or will serve as  
 4 a predicate upon which the Respondent can lawfully develop any  
 5 rights or legitimate interests in any of the disputed domain names.  
 6  
 7                   ....

8                   In any event, for purposes of the Policy the Panel finds the  
 9 Respondent's intention, as reflected by the record, was never to  
 10 solely provide, through her websites, speech critical of the  
 11 Complainant. Rather, her objective in both registering and using the  
 12 disputed names was apparently to engage in a rather sinister and  
 13 tenacious scheme to extort money from the Complainant.  
 14 Specifically, the Respondent first posted negative and false  
 15 commentary on her websites that was intentionally calculated to  
 16 injure the Complainant's on-line reputation and disrupt the  
 17 Complainant's business conducted through his law firm. Thereafter,  
 18 the Respondent used those sites in a manner that apparently  
 19 optimized their ranking on the Google search engine in order to  
 20 increase their visibility and prominence on search results yielded  
 21 through a Google search of the Complainant, thus likely  
 22 exacerbating the injury caused to the Complainant. Once all this  
 23 occurred, the Respondent then offered her reputational management  
 24 services to the Complainant through which, for a considerable fee,  
 25 she would remediate the Complainant's on-line reputation by  
 26 eliminating all the negative and false commentary of her own  
 27 making and presumably also ceasing her use of the disputed domain  
 28 names. Basically, for a price, she would undo the injury to the  
 Complainant for which she was responsible for having created in the  
 first place. This egregious conduct clearly constitutes bad faith  
 under the Policy.

48. The WIPO panel further found that:

19  
 20                   Respondent has previously registered domain names that solely  
 21 include her target's full names and uses link-bombing methods in an  
 22 effort to increase the prominence of her search results on search  
 23 engines. The Respondent then offers to provide "reputation  
 24 management" services to her target in return for a fee. Such websites  
 25 are not "criticism sites" but merely a pretext for the Respondent's  
 26 bad faith extortionate use.

27  
 28                   49. If Ms. Cox's targets refuse her extortion, she continues her campaign to ruin their  
 reputations online, not only by posting defamatory rants about them, but by then repeating the  
 defamatory rants on site after site, often on domain names that wholly include their legal names or  
 trademarks, and interlinking all of her many sites in order to artificially inflate the Google rankings  
 on each site. Ms. Cox claims to be "very good" at getting her websites to appear at the top of

1 search results.

2 **D. The Initial Stages of the 2040 Case.**

3 50. On November 28, 2012, Mr. Randazza, as well as his wife, on behalf of themselves  
 4 and their minor daughter (collectively, the “Randazzas”), filed a *Complaint* (the “2040  
 5 Complaint”), against Ms. Cox and Mr. Bernstein in the United States District Court for the District  
 6 of Nevada (the “District Court”), thereby commencing Case No. 2:12-cv-2040-JAD-PAL (the  
 7 “2040 Case”).

8 51. The 2040 Complaint arose out of Ms. Cox and Mr. Bernstein’s registration and use  
 9 of the Infringing Domain Names. As previously noted, these domains were not made the subject  
 10 of the WIPO proceedings, but were registered by Ms. Cox in the same course of conduct as the  
 11 ones adjudicated in the WIPO dispute.

12 52. The Randazzas’ 2040 Complaint alleged the following claims for relief: (a)  
 13 violation of individual cyberpiracy protections - 15 U.S.C. § 8131; (b) cybersquatting - 15 U.S.C.  
 14 § 1125(d); (c) right of publicity - NRS 597.810; (d) common law right of publicity; (e) common  
 15 law right of intrusion upon seclusion; (f) civil conspiracy.

16 53. Shortly after commencing the 2040 Case, the Randazzas filed a motion for  
 17 temporary restraining order, thereby seeking to freeze the Infringing Domain Names pending the  
 18 outcome of the 2040 Case.

19 54. After this matter was briefed by the parties, the District Court, the Hon. Gloria M.  
 20 Navarro, issued a temporary restraining order in the Randazzas’ favor. Specifically, she found in  
 21 a decision dated as of December 14, 2012 that Ms. Cox and Mr. Bernstein “have embarked on a  
 22 campaign of cyber-extortion” against Mr. Randazza.

23 55. Following a hearing, Judge Navarro issued a preliminary injunction, thereby  
 24 transferring the Infringing Domain Names to Mr. Randazza’s control upon the posting of a bond,  
 25 which he did post.

26 56. This preliminary injunction remains in place, which Ms. Cox continues to violate.

27 57. In the 2040 Case, the District Court recognized that Ms. Cox’s conduct amounts to  
 28 extortion. Specifically, the District Court found that “[Ms. Cox’s] actions leading up to the filing

1 of the Complaint, as well as [her] past behavior, as represented in Plaintiffs' reply briefing, clearly  
 2 seems to indicate cyber-extortion," and that "[Ms. Cox] has been shown to have engaged in a  
 3 pattern of cybersquatting and cyber-extortion").

4 58. On January 3, 2013, Ms. Cox filed a purported counterclaim against almost seventy  
 5 (70) parties, including against not only Mr. Randazza, but also Apple, National Public Radio, and  
 6 Judge Navarro, among many others, including the authors of the above-referenced articles, their  
 7 employers, and the WIPO. The Randazzas filed a motion to strike or, alternatively, to dismiss and  
 8 Ms. Cox responded.

9 59. Thereafter, Ms. Cox filed a 166 page purported amended counterclaim similar to  
 10 her original one, thereby rendering her original counterclaim and the Randazzas' motion moot.  
 11 The Randazzas again moved to strike the amended counterclaim, which was also briefed by the  
 12 parties.

13 60. While these motions were pending, Ms. Cox moved for summary judgment on her  
 14 amended counterclaim.

15 61. Ms. Cox's motion became moot, however, when on February 22, 2013, Judge  
 16 Navarro granted the Randazzas' motion to strike the amended counterclaim for violation of Fed.  
 17 R. Civ. P. 8(a)(2) and 14(a), however, the District Court did allow Ms. Cox to refile her allegations  
 18 as a separate complaint in another case as hereinafter set forth.

19 62. Due to Ms. Cox's series of frivolous filings, the District Court revoked her CM/ECF  
 20 privileges. The docket is strewn with at least a dozen of Ms. Cox's improper and indeed absurdly  
 21 framed motions. All or nearly all of the foregoing were stricken by the District Court.

22 **E. The 297 Case.**

23 63. Ms. Cox did, in fact, initiate a separate complaint per Judge Navarro's order on  
 24 February 24, 2013 (the "297 Complaint"), which was docketed in the District Court as Cox v.  
 25 Randazza, et al., Case No. 2:13-cv-00297-MMD-VCF (the "297 Case").

26 64. The 297 Complaint contained the same claims she makes in the 2040 Case (as  
 27 hereinafter described), and in the 938 Case (as hereinafter defined).

28 65. Specifically, in the 297 Complaint, Ms. Cox alleged a slew of claims and what

1 appear to be affirmative defenses against Mr. Randazza including civil conspiracy, defamation,  
 2 harassment, antitrust and fair competition, constitutional rights, due process, violation of the Hate  
 3 Crime Prevention Act, abuse of process, tortious interference, interference with business  
 4 advantage, violations of the Racketeer Influenced and Corrupt Organizations Act (“RICO”),  
 5 malpractice and negligence, retraction law, shield law, witness tampering, whistleblowing under  
 6 the False Claims Act, and violation of a consumer protection act.

7       66. Ms. Cox’s alleges that her claims all arose in connection with above-referenced  
 8 communications between Ms. Cox and Mr. Randazza in and after December 2011 regarding the  
 9 Obsidian Case and his potential representation of her therein, and Mr. Randazza’s accusation of  
 10 extortion when Ms. Cox purchased the numerous Infringing Domain Names and thereafter sought  
 11 to be paid for “reputation management services” to ameliorate the very harm she caused.

12       67. Ms. Cox had moved to proceed in *forma pauperis* in the 297 Case and, on  
 13 November 27, 2013, the District Court dismissed many of her claims without prejudice and  
 14 ordered her to file an amended complaint.

15       68. The District Court’s November 27, 2013 Order adopted the Magistrate’s report and  
 16 recommendation in its entirety, which found, *inter alia*, that Ms. Cox’s defamation claim was  
 17 merely conclusory and that the scattered factual assertions in her 297 Complaint did not meet the  
 18 pleading requirements of Fed. R. Civ. P. 8 to support a claim of legal malpractice. Ms. Cox did  
 19 not file an amended complaint in accordance with this order, however, and thus on May 14, 2014,  
 20 the District Court dismissed the 297 Case with prejudice.

21 **F. The 938 Case.**

22       69. Notwithstanding the pendency of the 297 Case, on May 14, 2013, Ms. Cox filed  
 23 Case No. 1:13-cv-03257 in the United States District Court for the Southern District of New York  
 24 against Mr. Randazza and others, which was subsequently transferred to the District of Nevada as  
 25 Cox v. Carr, et al., Case No. 2:13-cv-00938-APG-GWF (the “938 Case”).

26       70. Ms. Cox’s complaint in the 938 Case (the “938 Complaint”) raises many of the  
 27 identical claims against Mr. Randazza and arises from the same underlying facts and transactions  
 28 as those in the 2040 Case and the 297 Case. The 938 Case was the fifth of ***nine (9) nearly identical***

1 **cases** Ms. Cox filed throughout the country in or about May 2013 against Mr. Randazza, among  
 2 numerous others, the remainder of which are discussed below.

3 71. On June 12, 2014, Magistrate Judge Foley recommended dismissal under claim  
 4 preclusion of Ms. Cox's 938 Complaint due to the dismissal of the 297 Case.

5 72. Magistrate Foley noted that the other complaints Ms. Cox had filed in May 2013  
 6 had all been dismissed.

7 73. On January 20, 2015, the Hon. Andrew P. Gordon adopted the Magistrate's  
 8 recommendation and dismissed the 938 Case with prejudice.

9 74. In addition to the 297 Case and the 938 Case, both of which were dismissed with  
 10 prejudice, in May 2013 Ms. Cox also instituted the following eight (8) other cases against Mr.  
 11 Randazza, all of which named him as a member of slates of defendants, all arising from the same  
 12 underlying facts and transactions as the 2040 Case, the 297 Case, and the 938 Case.

13 75. First, in Cox v. Hill, et al., Case No. 4:13-cv-02046-DMR (N.D. Cal. May 2, 2013)  
 14 [hereinafter, "Hill"], Ms. Cox sued Mr. Randazza, and alleged defamation, section 1983, RICO  
 15 violation, negligence, professional negligence, witness tampering, and tortious interference. This  
 16 case was dismissed without prejudice for improper venue on July 15, 2013.

17 76. Second, in Cox v. Parsons, et al., Case No. 2:13-cv-00962-MEA (D. Ariz. May 8,  
 18 2013) [hereinafter, "Parsons"], Ms. Cox sued Mr. Randazza initially alleging defamation, section  
 19 1983, civil conspiracy, RICO violation, negligence, professional negligence, witness tampering,  
 20 tortious interference, constitutional violations, violation of international laws, and violation of  
 21 intellectual property laws. It was initially dismissed without prejudice on May 16, 2013, with  
 22 leave to file an amended complaint. Ms. Cox did so and, in her amended complaint made  
 23 allegations against Mr. Randazza of malpractice, defamation, civil conspiracy, negligence, witness  
 24 tampering, section 1983, and RICO violation. The Magistrate Judge recommended the *in forma*  
 25 *pauperis* claim be dismissed as frivolous under 28 U.S.C. § 1915 on June 18, 2013. Thereafter,  
 26 the District Judge dismissed the entire action with prejudice for failure to state a claim on  
 27 September 19, 2013.

28 77. Third, in Cox v. Michaelson, et al., Case No. 3:13-cv-03136-AED-DEA (D.N.J.

1 May 9, 2013) [hereinafter, “Michaelson”], Ms. Cox sued Mr. Randazza alleging defamation,  
 2 section 1983, civil conspiracy, RICO violation, negligence/professional negligence, tortious  
 3 interference, constitutional violations, violation of international law, and violation of intellectual  
 4 property laws. This matter was dismissed on September 27, 2013 without prejudice under 28  
 5 U.S.C. § 1915 for failure to be pleaded properly under Fed. R. Civ. P. 8(a), with permission to  
 6 refile. Ms. Cox abandoned the case and did not refile.

7       78.     Fourth, in Cox v. Coenen, et al., Case No. 2:13-cv-00534-AEG (E.D. Wis. May 13,  
 8 2013) [hereinafter, “Coenen I”], Ms. Cox sued Mr. Randazza alleging defamation, section 1983,  
 9 civil conspiracy, RICO violation, negligence/professional negligence, and tortious interference.  
 10 On May 28, 2013, the matter was dismissed without prejudice in favor of the 297 Case, as the  
 11 Court found it was improper of Ms. Cox to file multiple suits against the same defendants for the  
 12 same reasons in multiple courts. As noted, the 297 Case was subsequently dismissed with  
 13 prejudice.

14       79.     Fifth, in Cox v. Coenen, et al., Case No. 1:13-cv-03633 (N.D. Ill. May 14, 2013)  
 15 [hereinafter “Coenen II”], Ms. Cox sued Mr. Randazza therein making made identical allegations  
 16 as in Coenen I filed the day before. On June 7, 2013, the Court dismissed it as being legally  
 17 frivolous under 28 U.S.C. § 1915(e).

18       80.     Sixth, in Cox v. Rushie, et al., Case No. 1:13-cv-11308-PBS (D. Mass. May 30,  
 19 2013) [hereinafter, “Rushie I”], Ms. Cox sued Mr. Randazza alleging defamation, legal  
 20 malpractice, civil conspiracy, negligence, witness tampering, tortious interference, and RICO  
 21 violation. The matter was dismissed on June 18, 2013, for improper venue and was not transferred  
 22 due to the pendency of the 297 Case, the 938 Case, Hill, Parsons, and Coenen I & Coenen II.

23       81.     Seventh, in Cox v. Rushie, et al., Case No. 2:13-cv-03028-JHS (E.D. Penn. May  
 24 30, 2013) [hereinafter, “Rushie II”], Ms. Cox sued Mr. Randazza alleging defamation, malpractice,  
 25 conspiracy, witness tampering, tortious interference, and RICO violation. The matter was  
 26 dismissed on June 6, 2013 for failure to conform to Fed. R. Civ. P. 8(a). Although leave to refile  
 27 was granted, she was specifically prohibited from raising any of the claims filed in any of the other  
 28 cases in any amended complaint. Ms. Cox abandoned the matter.

1       82.    Eighth, in Cox v. Randazza Legal Group, et al., Case No. 1:13-cv-21924-DLG  
 2 (S.D. Fla. May 31, 2013) [hereinafter, “RLG Case”], Ms. Cox sued Mr. Randazza alleging  
 3 defamation, malpractice, conspiracy, witness tampering, tortious interference, and RICO violation.  
 4 On June 25, 2013, the matter was dismissed as frivolous and baseless under 28 U.S.C. §  
 5 1915(e)(2)(B)(i). Although Ms. Cox was given leave to file an amended complaint, she abandoned  
 6 the matter and the case was ordered closed on July 18, 2013.

7       83.    The 297 Case, the 938 Case, Hill, Parsons, Michaelson, Coenen I, Coenen II,  
 8 Rushie I, Rushie II, and the RLG Case are all hereinafter collectively referred to as the “Dismissed  
 9 Cases.”

10      **G. Returning Back to the 2040 Case.**

11      84.    While the 297 Case was pending, on April 25, 2013, Ms. Cox also filed a non-  
 12 specific motion for reconsideration regarding the striking of her counterclaim in the 2040 Case.  
 13 Ms. Cox’s reconsideration motion acknowledged that she had filed the 297 Case. This motion  
 14 was thereafter fully briefed.

15      85.    On February 14, 2014, after reassignment of the 2040 Case to the Hon. Jennifer A.  
 16 Dorsey, the District Court granted in part Ms. Cox’s motion for reconsideration, thereby permitting  
 17 Ms. Cox to “file a proper counterclaim against Plaintiff Marc Randazza.”

18      86.    On February 24, 2014, Ms. Cox filed a new counterclaim against Mr. Randazza in  
 19 the 2040 Case.

20      87.    On March 12, 2014, Mr. Randazza moved to dismiss and to strike Ms. Cox’s new  
 21 counterclaim, which matter was fully briefed by the parties.

22      88.    The Randazzas also moved for summary judgment on their claims in the 2040  
 23 Complaint, to which Ms. Cox responded.

24      89.    On April 10, 2014, the District Court, Judge Dorsey, denied the Randazzas’ motion,  
 25 but without prejudice, and dismissed the Randazzas’ claims under the common law right of  
 26 publicity, while leaving their other five (5) other claims for relief intact.

27      90.    On May 21, 2014, one week after Ms. Cox’s identical claims were dismissed with  
 28 prejudice in the 297 Case, Judge Dorsey denied the Randazzas’ motion to strike and only granted

1 their motion to dismiss Ms. Cox's counterclaims in part. The District Court also granted leave for  
 2 Ms. Cox to again attempt amendment of her counterclaims against Mr. Randazza.

3 91. On June 2, 2014, Ms. Cox again sought leave to amend her counterclaim, which  
 4 matter was fully briefed by the parties.

5 92. On July 8, 2014, the District Court denied Ms. Cox's motion and dismissed her  
 6 abuse of process counterclaim, but permitted her claims for defamation and legal malpractice  
 7 against Mr. Randazza to proceed.

8 93. Judge Dorsey's order of July 8, 2014 as well as her earlier orders did not consider  
 9 the prior dismissals of the 297 Case and the Parsons case with prejudice, or of the prior findings  
 10 of frivolity in Coenen II and the RLG Case all four (4) of which cases terminated and finally  
 11 adjudicated identical claims of defamation and legal malpractice as pled by Ms. Cox in the 2040  
 12 Case. Therefore, ***four times over*** Ms. Cox's claims had been dismissed on their merits.

13 94. As a result of all of the foregoing, Ms. Cox's only counterclaims remaining in the  
 14 2040 Case against Mr. Randazza were for legal malpractice as plead in her February 21, 2014  
 15 counterclaim, and her claim for defamation as pled in the same, but as modified and edited by the  
 16 Court's May 21, 2014 Order. Ms. Cox's remaining counterclaims are hereinafter referred to as  
 17 the "2040 Counterclaim."

18 95. On August 15, 2014, Mr. Randazza answered Ms. Cox's 2040 Counterclaim. Upon  
 19 answering, Mr. Randazza also filed a special motion to dismiss under the Nevada Anti-SLAPP  
 20 law, NRS 41.635, *et seq.* (the "Anti-SLAPP Motion"), which, among other matters, argued that  
 21 Ms. Cox could never prevail on the merits of her claims because neither defamation nor legal  
 22 malpractice occurred, and these claims were barred by claim preclusion and *res judicata*.

23 96. The Anti-SLAPP Motion was fully brief by the parties.

24 97. On March 23, 2015, Judge Dorsey denied Mr. Randazza's Anti-SLAPP Motion as  
 25 untimely pursuant to NRS § 41.660, and did not reach the merits of the Anti-SLAPP Motion itself.

26 98. On March 30, 2015, Mr. Randazza filed an interlocutory appeal from the District  
 27 Court's denial of his Anti-SLAPP Motion to United States Court of Appeals for the Ninth Circuit  
 28 (the "Ninth Circuit"), where the matter remains pending as Appeal No. 15-15610 (the "Appeal").

1           99. Subsequently, the Ninth Circuit has held in another matter that state anti-SLAPP  
 2 statute deadlines do not apply in Federal Court. See Sarver v. Chartier, 813 F.3d 891 (9th Cir.  
 3 2016).

4           100. But for the imposition of the automatic stay as a result of Mr. Randazza's Chapter  
 5 11 Case, the Ninth Circuit would, consistent with Sarver, reverse the District Court's denial of Mr.  
 6 Randazza's Anti-SLAPP Motion, and on remand, the Anti-SLAPP Motion would be decided on  
 7 its merits.

8           101. On April 8, 2015, the District Court issued a stay of the underlying 2040 Case  
 9 pending the outcome of the Appeal before the Ninth Circuit. The District Court also denied a  
 10 flurry of Ms. Cox's motions in this same order as well.

11           102. Due to an erroneous dismissal of the Appeal by the Ninth Circuit, which was  
 12 corrected and reversed, the stay was lifted.

13           103. On June 16, 2015, Mr. Randazza filed a motion to reinstate the stay pending the  
 14 resolution of the Appeal.

15           104. The District Court, through the Magistrate, allowed that motion and again stayed  
 16 the 2040 Case on July 20, 2015 pending an outcome of the Appeal.

17           105. Judge Dorsey reaffirmed the foregoing stay ten days later and such stay pending  
 18 the Appeal remains in effect at present.

19 **H. Mr. Randazza's Chapter 11 Case and the Relevant Filings Therein.**

20           106. On September 8, 2015, Mr. Randazza gave notice of his Chapter 11 Case to both  
 21 the District Court in the 2040 Case, and also to the Ninth Circuit in the Appeal.

22           107. The Ninth Circuit again erroneously dismissed Mr. Randazza's Appeal in the 2040  
 23 Case for lack of prosecution, however, the Appeal was again reinstated in light of the automatic  
 24 stay in Mr. Randazza's Chapter 11 Case.

25           108. Upon reinstatement of the Appeal, the stay was also necessarily reinstated as well.

26           109. On September 29, 2015, Ms. Cox filed what she called an *Objection to Discharge*  
 27 *Debt* (the "Discharge Objection") in Mr. Randazza's Chapter 11 Case.

28           110. In her Discharge Objection, Ms. Cox raises the same defamation and malpractice

1 claims asserted before the District Court in the 2040 Case, and as previously attempted to be  
 2 asserted or that could have been asserted in the now dismissed 297 Case, the 938 Case, and the  
 3 eight (8) other Dismissed Cases.

4 111. Ms. Cox did not file the Discharge Objection as a complaint and commence a  
 5 separate adversary proceeding, and she also did not seek or obtain and serve a summons upon Mr.  
 6 Randazza to answer the Discharge Objection.

7 112. Also on September 29, 2015, Ms. Cox filed a *Proof of Claim* (the “Proof of Claim”),  
 8 being Claim No. 4-1, in Mr. Randazza’s Chapter 11 Case in the amount of \$10,000,000.00.

9 113. On its face, Ms. Cox’s claim is by far the largest claim asserted in Mr. Randazza’s  
 10 Chapter 11 Case to a significant degree.

11 114. Ms. Cox attached no supporting documentation to her Proof of Claim, and no  
 12 calculation as to how she arrived at her extraordinarily large alleged claim figure.

13 115. The only description Ms. Cox provided regarding her alleged claims was a general  
 14 citation to the 2040 Case pending before the District Court.

15 116. In essence, Ms. Cox brings as her claim the same defamation and malpractice  
 16 claims asserted before the District Court in the 2040 Case, and as previously attempted to be  
 17 asserted, or as could have been asserted, in the now dismissed 297 Case, the 938 Case, and the  
 18 eight other Dismissed Cases. A true and correct copy of Ms. Cox’s Proof of Claim is attached  
 19 hereto as Exhibit “1.”

20 **FIRST CLAIM FOR RELIEF**

21 **(Objection to Ms. Cox’s Proof of Claim, Claim No. 4-1)**

22 117. Mr. Randazza repeats, realleges, and fully incorporates the allegations plead above.

23 118. Ms. Cox’s Proof of Claim fails to include any particulars or supporting  
 24 documentation, and thus is not entitled to even *prima facie* validity.

25 119. Ms. Cox’s Proof of Claim fails to state claims upon which relief can be granted and  
 26 Mr. Randazza is entitled to judgment as a matter of law.

27 120. Ms. Cox’s claims in her Proof of Claim are barred by the doctrines of *res judicata*  
 28 and claim preclusion because the dismissals of the 297 Case and the 938 Case were final

1 adjudications within the meaning of Fed. R. Civ. P. 41(b), and thus further proceeding on such  
2 claims is barred.

3 121. Ms. Cox's claims in her Proof of Claim are barred by the doctrines of *res judicata*  
4 and claim preclusion because the dismissal of the Parsons case for failure to state a claim and the  
5 determinations that the claims in Coenen II and the RLG Case were frivolous were final  
6 adjudications on the merits, and thus further proceeding on such claims is barred.

7 122. Mr. Randazza is not liable for defamation to Ms. Cox because his statements that  
8 Ms. Cox is an extortionist are true.

9 123. Mr. Randazza is not liable for defamation to Ms. Cox because his statements that  
10 Ms. Cox is an extortionist is his protected opinion.

11 124. Mr. Randazza is not liable for defamation to Ms. Cox because even if his statements  
12 that Ms. Cox is an extortionist were not true, they would be privileged from liability, and even if  
13 provably not true, Mr. Randazza's statements would be protected by the Fair Reporting Privilege  
14 and/or the Reply Privilege.

15 125. Mr. Randazza is not liable for defamation to Ms. Cox because even if his statements  
16 that Ms. Cox is an extortionist were not true, and were not privileged, Ms. Cox cannot demonstrate  
17 fault amounting to at least negligence, much less the required "actual malice" standard because  
18 Ms. Cox is a public figure.

19 126. Mr. Randazza is not liable for defamation to Ms. Cox because she is a "libel-proof"  
20 claimant.

21 127. Mr. Randazza is not liable for defamation to Ms. Cox because his statements did  
22 not proximately cause actual damages.

23 128. Mr. Randazza is not liable for defamation to Ms. Cox because such a claim is time  
24 barred by the applicable Nevada statute of limitations.

25 129. Mr. Randazza is not liable to Ms. Cox for defamation because his communications  
26 are protected under Nevada's anti-SLAPP statute, NRS § 41.660.

27 130. Mr. Randazza is not liable to Ms. Cox for legal malpractice because his  
28 communications are protected under Nevada's anti-SLAPP statute, NRS § 41.660.

131. Mr. Randazza is not liable to Ms. Cox for legal malpractice because an attorney-client relationship never existed between them, nor was there unauthorized representation by Mr. Randazza of her.

132. Mr. Randazza is not liable to Ms. Cox for legal malpractice because he never breached a duty of care, if any existed, to Ms. Cox.

133. Mr. Randazza is not liable to Ms. Cox for legal malpractice because, if he breached a duty of care, if any existed, to Ms. Cox, she did not proximately suffer harm thereby.

134. Mr. Randazza is not liable to Ms. Cox for legal malpractice because such a claim is time barred by the applicable Nevada statute of limitations.

135. Ms. Cox's claims in her Proof of Claim are frivolous and sanctionable conduct because they are being presented for improper purposes, including to harass, cause delays, and needless increase the costs of litigation; Ms. Cox's claims are not warranted by existing law, or a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and Ms. Cox's allegations lack any evidentiary support.

136. As a proximate result of Ms. Cox's frivolous and sanctionable conduct, Mr. Randazza was forced to incur and expend fees and costs to litigate the Proof of Claim, and is entitled to recover those fees and expenses.

## **SECOND CLAIM FOR RELIEF**

## **(Declaratory Relief as to Dischargeability and Discharge Objection)**

137. Mr. Randazza repeats, realleges, and fully incorporates the allegations plead above.

138. An actual and justiciable controversy exists between the Mr. Randazza and Ms. Cox as to whether the claims pled by her in her Proof of Claim and Discharge Objection are nondischargeable.

139. The interests between Mr. Randazza and Ms. Cox are adverse and Mr. Randazza has a legally protectable interest in the controversy, including but not limited to determining his liability, if any, to Ms. Cox, and whether such alleged debt is nondischargeable in his Chapter 11 Case.

28 140. The disputes herein are ripe for a judicial declaration pursuant to 28 U.S.C. §§ 1331,

1 2201, and 2202, that the claims as pled by Ms. Cox are not owing and are dischargeable in Mr.  
 2 Randazza's Chapter 11 Case.

3 141. The Discharge Objection must be dismissed as a matter of law because Mr.  
 4 Randazza has no underlying liability to Ms. Cox to except from discharge.

5 142. The Discharge Objection must be dismissed because Ms. Cox did not file the  
 6 required complaint, did not appropriately or timely serve it, and did not obtain or timely serve a  
 7 summons with it, and the time therefor has expired pursuant to Fed. R. Bankr. P. 4007(c), 7004,  
 8 and 7012(b)/Fed. R. Civ. P. 12(b).

9 143. The Discharge Objection must be dismissed to the extent it pleads a claim pursuant  
 10 to 11 U.S.C. § 523(a)(2)(A) because Mr. Randazza did not receive money, property, services, or  
 11 an extension, renewal, or refinancing of credit, obtained by false pretenses, a false representation,  
 12 or actual fraud.

13 144. The Discharge Objection must be dismissed to the extent it pleads a claim pursuant  
 14 to 11 U.S.C. § 523(a)(6) because Mr. Randazza does not have a debt to Ms. Cox for a willful and  
 15 malicious injury by him to Ms. Cox or her property.

16 145. The Discharge Objection must be dismissed must be dismissed to the extent it  
 17 pleads a claim pursuant to 11 U.S.C. § 523(a)(6) because legal malpractice is not an intentional  
 18 tort as required by that subsection, and Mr. Randazza never took or mishandled any trust funds  
 19 from Ms. Cox as required under that provision.

20 146. The Discharge Objection must be dismissed pursuant to Fed. R. Bankr. P. 7009 and  
 21 Fed. R. Civ. P. 9(b) for failure to plead fraud with particularity.

22 147. Ms. Cox's claims in her Discharge Objection are frivolous and sanctionable  
 23 conduct because they are being presented for improper purposes, including to harass, cause delays,  
 24 and needless increase the costs of litigation; Ms. Cox's claims are not warranted by existing law,  
 25 or a nonfrivolous argument for the extension, modification, or reversal of existing law or the  
 26 establishment of new law; and Ms. Cox's allegations lack any evidentiary support.

27 148. As a proximate result of Ms. Cox's frivolous and sanctionable conduct in her  
 28 Discharge Objection, Mr. Randazza was forced to incur and expend fees and costs to litigate the

1 matter, and is entitled to recover such fees and expenses.

2 **THIRD CLAIM FOR RELIEF**

3 **(Abuse of Process)**

4 149. Mr. Randazza repeats, realleges, and fully incorporates the allegations plead above.

5 150. Coenen II was dismissed as legally frivolous on June 7, 2013, the RLG Case was  
 6 dismissed as legally frivolous on July 18, 2013, Parsons was dismissed with prejudice on  
 7 September 19, 2013, the 297 Case was dismissed with prejudice on May 14, 2014, and the 938  
 8 Case was dismissed with prejudice on January 20, 2015. On or after each of those dismissals, Ms.  
 9 Cox knew or should have known that she could not sustain, as a matter of law, any of her putative  
 10 counterclaims in the 2040 Case, and thus at the time she filed her counterclaim in the 2040 Case  
 11 on February 24, 2014, those claims had already thrice been dismissed, at least once as explicitly  
 12 stated with prejudice.

13 151. In opposing Mr. Randazza's summary judgment and opposing his Anti-SLAPP  
 14 Motion, as well as filing spurious motions in the 2040 Case, Ms. Cox committed improper, willful  
 15 acts in the use of the legal process, purporting to sustain legally unsustainable claims barred, at a  
 16 minimum, by claim preclusion.

17 152. At all relevant times herein, Ms. Cox did not seek to resolve a legal dispute against  
 18 Mr. Randazza, but rather sought to punish him for refusing to bend to her extortionate whim and  
 19 to delay his claims in chief against her.

20 153. Ms. Cox, therefore, committed an abuse of process against Mr. Randazza.

21 154. As a proximate result of Ms. Cox's abuse of process, Mr. Randazza was forced to  
 22 incur and expend fees and costs to litigate the counterclaims in the 2040 Case, and suffered a delay  
 23 in the resolution of his claims against Ms. Cox.

24 **PRAAYER FOR RELIEF**

25 WHEREFORE, Mr. Randazza prays for the following relief:

26 1. Disallowing Ms. Cox's Proof of Claim in its entirety;

27 2. Dismissing Ms. Cox's Discharge Objection with prejudice;

28 3. Entering a declaratory judgment that Mr. Randazza has no liability to Ms. Cox

and/or that any alleged debt to Ms. Cox is subject to being discharged, and thus not excepted from discharge pursuant to any provision in 11 U.S.C. § 523(a) in Mr. Randazza's Chapter 11 Case;

4. Awarding judgment in favor of Mr. Randazza and against Ms. Cox for his attorneys' fees, costs and expenses as a result of Ms. Cox's filing a frivolous Proof of Claim and a frivolous Discharge Objection;

5. Granting him an award of his reasonable attorneys' fees and costs incurred in the 2040 Case, and the Proof of Claim and Discharge Objection in this adversary proceeding, as well as an award of \$10,000.00, all pursuant to the Nevada anti-SLAPP statute, NRS 41.670(1)(a), (b);

6. For recovery of attorneys' fees, costs and expenses reasonably incurred pursuant to 28 U.S.C. § 1927 or otherwise;

7. Awarding judgment in favor of Mr. Randazza and against Ms. Cox for compensatory damages for abuse of process; and

8. Granting Mr. Randazza such other and further relief as is just and proper.

Dated: October 5, 2016.

## LARSON & ZIRZOW, LLC

By: /s/ Matthew C. Zirzow  
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## EXHIBIT “1”

EXHIBIT “1”

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM
Name of Debtor: Marc John Randazza	Case Number: 15-14956-abl	<b>RECEIVED AND FILED</b> <b>SEP 29 2015</b>
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Crystal L. Cox (Creditor Number 13)		<b>U.S. BANKRUPTCY COURT MARY A. SCHOTT CLERK COURT USE</b>
Name and address where notices should be sent: Crystal L. Cox PO Box 2027 Port Townsend, WA 98368		<input type="checkbox"/> Check this box if this claim amends a previously filed claim.
Telephone number: (406) 624-9510 email: SavvyBroker@yahoo.com		Court Claim Number: _____ (If known)
Name and address where payment should be sent (if different from above): Crystal L. Cox PO Box 2027 Port Townsend, WA 98368		Filed on: _____
Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
1. Amount of Claim as of Date Case Filed: \$ 10,000,000.00		
If all or part of the claim is secured, complete item 4.		
If all or part of the claim is entitled to priority, complete item 5.		
<input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Randazza v. Cox District of Nevada, 2:12-cv-02040-JAD-PAL</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: 6 7 6 2	3a. Debtor may have scheduled account as: (See instruction #3a)	3b. Uniform Claim Identifier (optional): (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe:		Basis for perfection: _____
Value of Property: \$ _____		Amount of Secured Claim: \$ _____
Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(__).
Amount entitled to priority: \$ _____		
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

Gn

B10 (Official Form 10) (04/13)

**7. Documents:** Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

**8. Signature:** (See instruction #8)

Check the appropriate box.

I am the creditor.  I am the creditor's authorized agent.  I am the trustee, or the debtor, or their authorized agent.  I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

(See Bankruptcy Rule 3004.)

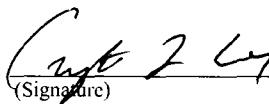
I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

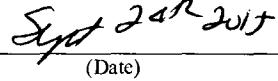
Print Name: Crystal L. Cox

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address and telephone number (if different from notice address above): \_\_\_\_\_

  
(Signature)

  
(Date)

Telephone number: 406-624-9570 email: SavvyBroker@yahoo.com

*Penalty for presenting fraudulent claim:* Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

*The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.*

**Items to be completed in Proof of Claim form**

**Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).**

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Credits:**

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

**7. Documents:**

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

**8. Date and Signature:**

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**  
State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

**3a. Debtor May Have Scheduled Account As:**

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

**3b. Uniform Claim Identifier:**

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

**4. Secured Claim:**

Check whether the claim is fully or partially secured. Skip this section if the

DEFINITIONS**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

**Claim**

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

**Secured Claim Under 11 U.S.C. § 506 (a)**

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C. § 507 (a)**

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system ([www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov)) for a small fee to view your filed proof of claim.

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.